

CUSTOMER NO.: 24498
Serial No. 10/535,106
Office Action dated 5/27/09
Response dated: 8/04/09

PATENT
PD020106

Remarks/Arguments

In the Office Action, the Examiner noted that claims 1-6 and 10-13 are pending in the application and that claims 1-6, 10 and 13 stand rejected. The Examiner further noted that claims 11 and 12 are allowed. By this response, claims 1 and 5 have been amended to more clearly define the invention of the Applicant and claim 11 has been amended to correct some grammatical and formal errors. All other claims are unamended by this response.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are anticipated under the provisions of 35 U.S.C. § 102. In addition, the Applicant further submits that all of the claims now pending in the application comply with the provisions of 35 U.S.C. § 101. Thus, the Applicant respectfully submits that all of these claims are now in allowable form.

Rejections

A. 35 U.S.C. § 101

The Examiner rejected the Applicant's claim 13 under 35 U.S.C. § 101 alleging that the invention is directed to non-statutory subject matter.

In response and to further the prosecution of the above identified Patent Application, the Applicant has herein cancelled claim 13. Having done so, the Applicant submits that the basis for the Examiner's rejection of the Applicant's invention under 35 U.S.C. § 101 has been removed and respectfully requests that the rejection under 35 U.S.C. § 101 be withdrawn.

B. 35 U.S.C. § 102

The Examiner rejected the Applicant's claims 1, 6 and 10 under 35 U.S.C. § 102(b) as being anticipated by Tsukagoshi et al. (U.S. Patent No. 6,424,792, hereinafter "Tsukagoshi"). The rejection is respectfully traversed.

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"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added). The Applicant submits that Nakamura absolutely fails to teach or anticipate each and every element of the claimed invention, arranged as in at least the Applicant's amended, independent claim 1 as required for anticipation.

More specifically, the Applicant has herein amended independent claims 1 and 5 to make clear that in the claimed embodiment of the Applicant's invention the cropping information includes a parameter for horizontal cropping position, a parameter for vertical cropping position, a parameter for cropping width and a parameter for cropping height. In the claimed embodiments, these parameters define the start coordinates and the size of a rectangular fragment of the subtitle data to be displayed. The Applicant teaches that, in one embodiment, the parameters are "region_horizontal_cropping RHC", "region_vertical_cropping RVC", "region_cropping_height RCH" and "region_cropping_width RCW" as taught on page 6, lines 19-30 of the specification as originally filed. Therefore, the Applicant submits that the claim amendments herein do not extend beyond the contents of the application as originally filed. In addition, the parameters "region_vertical_address RVA" and "region_horizontal_address RHA" are disclosed on page 6, lines 14-16. As will be discussed below, the latter correspond to the parameters mentioned in the prior art, to which the Examiner refers.

More specifically, Tsukagoshi discloses a subtitle encoding/decoding method and apparatus, which is suitable for subtitle searching during trick playback mode (see abstract). First and second subtitles are encoded in two different ways, one of which being used for normal playback mode and the other being used exclusively for trick playback (see col.3, lines 9-17). The subtitles are decoded and superimposed to the video (see col.4, l.25-27) by mixing (col.4, l.61-62).

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The Applicant submits that, in contrast to the claimed embodiments of the Applicant's invention, in Tsukagoshi each portion of subtitle data is completely displayed (see col.7, l.24-26: "the subtitle data for one page is transferred from the code buffer to the display memory"). That is, Tsukagoshi fails to disclose the claimed cropping mechanism of at least the Applicant's amended independent claims, which includes cropping a rectangle portion of the subtitle data before display. Tsukagoshi instead uses a strategy known as ping-pong buffer, in which two pages of subtitle data are stored, because one page will be read while another page is written into the code memory (see col.8, l.6-9). However, this does not alter the fact that, in Tsukagoshi, a page of subtitle data is always completely displayed. Second, Tsukagoshi fails to disclose the claimed type of cropping parameters. That is, in Tsukagoshi's system, the display position on the screen is defined by position data that include horizontal and vertical position parameters (see col.5, l.61-63).

The Applicant submits that the data taught in Tsukagoshi corresponds to the conventional "region_vertical_address RVA" and "region_horizontal_address RHA" parameters, which are not claimed by the Applicant, and that such parameters are not suitable for automatically cropping rectangular parts of the subtitle elements to be displayed, as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims.

In addition, the Applicant submits that Tsukagoshi proposes the usage of the above-described mechanism exclusively for trick mode playback (see abstract and col.3, lines 1 and 25). Thus, Tsukagoshi teaches away from the claimed invention, which is intended for use in normal playback mode (e.g. Karaoke, Fig.4+6 and p.6, l.7-12). Further, Tsukagoshi does not mention the following advantages of the Applicant's invention, which improves subtitle performance without stressing subtitle bitrate (p.3, l.10-12), improves authoring possibilities for content production to animate subtitles (p.3, l.15-17, and l.29-32), and enables the manipulation of subtitles independent from their encoding method: character data or pixel data (p.6, l.2-9).

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In contrast to the invention of the Applicant, Tsukagoshi concentrates on another problem, namely trick mode subtitling, and does not provide the advantages that can be obtained by the Applicant's claimed invention. Based on Tsukagoshi's disclosure, the skilled person is therefore not motivated to further improve the system taught in Tsukagoshi to anticipate the Applicant's claimed invention.

Therefore, the Applicant submits that for at least the reasons recited above, Tsukagoshi absolutely fails to teach, suggest or anticipate each and every element of the Applicant's claimed invention, arranged as in at least the Applicant's amended independent claims 1 and 5 as required for anticipation. Therefore, the Applicant submits that the Applicant's claims 1 and 5 are not anticipated by the teachings of Tsukagoshi, and as such, fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Furthermore, dependent claims 2-4, 6 and 10 depend directly from the Applicant's independent claims 1 and 5 and recite additional features therefor. As such and for at least the reasons recited above, the Applicant submits that dependent claims 2-4, 6 and 10 are also not anticipated by the teachings of Tsukagoshi. Therefore the Applicant submits that dependent claims 2-4, 6 and 10 also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102. In addition, the Applicant further submits that all of the claims now pending in the application comply with the provisions of 35 U.S.C. § 101. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.


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If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

Please charge any unpaid, additional fees to Deposit Account No. 07-0832.

Respectfully submitted,
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August 04, 2009